

EXHIBIT A

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

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WINFORD DALLAS JONES,	* CIVIL ACTION 7:06-CV-00547
	* March 6, 2008 9:28 A.M.
Plaintiff,	* JURY TRIAL EXCERPT
	* TESTIMONY OF ROBERT CANNEDY
vs.	* AND EDWARD PEELE
	*
C.H. ROBINSON WORLDWIDE,	*
INC., et al.,	* Before:
	* HONORABLE GLEN E. CONRAD
Defendants.	* UNITED STATES DISTRICT JUDGE
* * * * *	* WESTERN DISTRICT OF VIRGINIA

APPEARANCES:

For the Plaintiff: TIMOTHY E. KIRTNER, ESQUIRE
 GARY CLAY HANCOCK, ESQUIRE
 ANN BISHOP, ESQUIRE
 Gilmer, Sadler, Ingram, Sutherland
 & Hutton
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For the Defendant: PAUL C. KUHNEL, ESQUIRE
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Proceedings recorded by mechanical stenography,
transcript produced by computer.

I N D E X

	Direct	Cross	Redirect	Recross	Further Redirect
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WITNESSES FOR THE
PLAINTIFF:
Susan Cannedy
Richard Peele

PLAINTIFF'S
EXHIBITS:

MARKED

RECEIVED

Susan Cannedy - Direct

1 (Court convened at 9:28 a.m. Proceedings were had but
2 not transcribed at this time.)

3 SUSAN JANE CANNEDY, PLAINTIFF'S WITNESS, SWORN

4 DIRECT EXAMINATION

5 BY MR. KIRTNER:

6 Q Good morning, Ms. Cannedy.

7 A Hello.

8 Q Could you state your full name, please.

9 A Susan Jane Cannedy.

10 Q Just a few questions for you this morning, Ms. Cannedy.

11 Were you on Interstate 81 on September 12, 2004, around
12 8:30 in the evening?

13 A Yes.

14 Q And in which direction were you traveling?

15 A We were going north.

16 Q And did you, on that evening, observe an accident that
17 occurred on Interstate 81?

18 A Yes, I did.

19 Q Was that in Wythe County?

20 A Yes.

21 Q And was that an accident where a northbound
22 tractor-trailer crossed the median and struck a southbound
23 tractor-trailer?

24 A Yes.

25 Q Let me ask you a few questions about that northbound

Susan Cannedy - Direct

1 tractor-trailer.

2 Had you noticed the northbound tractor-trailer that was
3 involved in that accident before the accident actually
4 occurred?

5 A Yes, I had.

6 Q And can you tell the jury what brought your attention to
7 that vehicle, even before the accident occurred.

8 A Uh-huh. I was the passenger in the car; my husband was
9 further left. This was around the Fort Chiswell exit. And I
10 noticed the truck had made an exit and was ascending the exit
11 ramp when suddenly it veered back down where there wasn't even
12 a lane, right into traffic.

13 Q Now, was this -- you said ascending. So this is a ramp
14 that goes up --

15 A Yes.

16 Q -- for those who aren't familiar with this one in
17 particular?

18 A Yes.

19 Q You describe it as a place where there wasn't a lane for
20 the truck to move back on. Can you give us a little more
21 detail? When you say there wasn't a lane, what do you mean by
22 that?

23 A He pulled off to make the exit, and had already
24 decelerated, and was already ascending up to where there's a
25 stop sign where you would turn on the upper street, and so it

Susan Cannedy - Direct

1 seemed to me he had already committed to the decision to exit.
2 It wasn't like he was just pulling off and then pulled back
3 on. He had already pulled off, started to make the ascent,
4 and then suddenly pulled off down even a little incline. I
5 almost wondered if the truck was going to tip when he did
6 that.

7 Q Did that truck signal its intention to go back to the
8 left?

9 A No.

10 Q And you would understand what a deceleration lane is --

11 A Yes.

12 Q -- for the exit?

13 He had already passed the deceleration lane; is that
14 correct?

15 A Yes.

16 Q Did the swerving back onto the interstate cause a
17 reaction of cars around that truck?

18 A Yes, because it was already busy traffic. There were
19 several lanes there, and he just swerved back on, and people
20 kind of had to move to avoid hitting him.

21 Q Now, did you continue to follow that truck as you went up
22 the interstate that evening?

23 A Yes, because it continued on at a regular speed. And we
24 had been in the left lane, and as traffic kind of moved and
25 everybody found their position, we were right behind that

Susan Cannedy - Cross

1 truck.

2 Q And did you see it actually leave the roadway?

3 A Yes. Yeah. We were directly behind it, no other cars
4 were in front of us, and I observed it just suddenly make a
5 hard left turn across the other lane of traffic and then into
6 the median.

7 Q Is that where the collision occurred with the southbound
8 vehicle in the other lane of travel?

9 A Yes, because we continued on, and I looked back and saw
10 that it had completely crossed the median and had hit people
11 on the other side.

12 MR. KIRTNER: No other questions for this witness.

13 CROSS-EXAMINATION

14 BY MR. KUHNEL:

15 Q Ms. Cannedy, good morning. You executed an affidavit in
16 this case, did you not, describing the accident?

17 A Yes.

18 Q And you in that affidavit mentioned that the driver of
19 the vehicle was Kristina Arciszewski; is that right?

20 A That was put in, yes.

21 Q So, in other words, that's not information you knew;
22 that's information that was told to you after the fact by
23 plaintiff's counsel?

24 A That's correct.

25 Q And you also mentioned in your affidavit that the truck

Richard Peele - Direct

1 was driven or owned by AKJ; is that right?

2 A I did not know that at the time; that was put in.

3 Q So at the time, there was no signage; you again were
4 prompted to do that by plaintiff's counsel after the fact; is
5 that right?

6 A Yes.

7 Q You don't know why the vehicle left the roadway, do you?

8 A No.

9 Q It just left the roadway?

10 A Yes.

11 Q And, ma'am, you don't know or have never heard of
12 C.H. Robinson Worldwide Inc.; is that correct?

13 A Correct.

14 MR. KUHNEL: I don't have any other questions. Thank
15 you.

16 MR. KIRTNER: There's no redirect, Your Honor.

17 THE COURT: May the witness be excused?

18 MR. KIRTNER: Yes.

19 THE COURT: You may stand down, ma'am. You may leave
20 or remain in the courtroom. Thank you for your attendance
21 this morning.

22 (Further proceedings were had but not transcribed at this
23 time.)

24 RICHARD BRADLEY PEELE, PLAINTIFF'S WITNESS, SWORN

25 DIRECT EXAMINATION

Richard Peele - Direct

1 BY MR. KIRTNER:

2 Q Mr. Peele, thank you for being here. I'll try to get you
3 right in and out of here.

4 A Great. Thank you.

5 Q My name is Tim Kirtner. Could you please state your full
6 name, please.

7 A Richard Bradley Peele.

8 Q And what is your occupation, Mr. Peele?

9 A Truck driver.

10 Q How long have you been driving a truck?

11 A 13 years.

12 Q And when you say "truck driver," you're talking about
13 driving a tractor-trailer; is that right?

14 A Tractor-trailer, yes.

15 Q I want to bring your attention to September 12, 2004, on
16 Interstate 81 around 8:30 p.m. Did you observe a motor
17 vehicle accident around that time in Wythe County on that
18 date?

19 A Yes, I did.

20 Q I just really want to ask you a few questions about what
21 you saw really before the accident occurred.

22 Did that accident involve a northbound tractor-trailer
23 crossing the median and striking a southbound tractor-trailer?

24 A Yes, it did.

25 Q Did you have occasion to observe the northbound

Richard Peele - Direct

1 tractor-trailer before it actually crossed into the median?

2 A It wasn't in my view. It wasn't in my line of vision,
3 no, not the southbound.

4 Q Okay. I meant to say northbound. Did you see the
5 northbound truck?

6 A I'm sorry. The northbound truck, yes, I did observe it.

7 Q Were you traveling northbound?

8 A I was traveling northbound.

9 Q And could you tell us just what you observed about that
10 northbound tractor-trailer before the accident actually
11 occurred.

12 A Well, he passed me. I had just got onto Interstate 81,
13 off of I-77, and I was just going past a Love's truck stop,
14 which is at Exit 84. And just as I was passing the exit, the
15 northbound truck was passing me about the same time. You've
16 got to keep in mind, seconds are passing by. When he got to
17 about 100 feet in front of me, the tractor and the trailer
18 sort of did a wiggle, and when it did that, it -- just after
19 it did that, it went into the southbound lane.

20 Q And how fast were you traveling?

21 A 65.

22 Q Okay. So did you have an estimate of the speed of the
23 northbound tractor-trailer as it was passing you?

24 A Yes. He was doing approximately 70 miles an hour.

25 Q And did you actually see the collision that occurred?

Richard Peele - Cross

1 A Yes.

2 Q And did that collision that occurred occur in the
3 southbound lane of the interstate?

4 A Yes.

5 Q After the northbound truck had crossed the median?

6 A Yes.

7 MR. KIRTNER: That's are all the questions I have for
8 this witness, Your Honor.

9 CROSS-EXAMINATION

10 BY MR. KUHNEL:

11 Q Mr. Peele, you executed an affidavit --

12 A Uh-huh.

13 Q -- in connection with this case?

14 A (Nods head up and down.)

15 Q And I gather, based on review of the affidavit, that you
16 were told by the lawyers who the name of the driver of the
17 truck was; is that correct?

18 A Of the southbound truck?

19 Q Of the northbound truck.

20 A I don't know their names, but, you know, I remember the
21 truck.

22 Q But if the name appeared in the affidavit, that's just
23 because the lawyers told you --

24 A Right.

25 Q -- what the name of the truck driver was?

Richard Peele - Redirect

1 And, of course, you don't know who owned the rig; is that
2 right?

3 A No.

4 Q Now, you didn't observe exactly what caused this
5 northbound tractor-trailer to veer off into the median; is
6 that right?

7 A No.

8 Q But you didn't notice any tires blowing out, did you?

9 A No.

10 Q Didn't notice any equipment problems with the vehicle?

11 A No.

12 Q You don't have any idea, as you sit here today, what
13 caused that northbound rig to simply just veer off into the
14 median strip?

15 A It just did it.

16 MR. KUHNEL: Thank you, sir.

17 REDIRECT EXAMINATION

18 BY MR. KIRTNER:

19 Q Mr. Peele, just for clarity's sake, it did it after it
20 had been exceeding the speed limit of 65, correct?

21 A Right.

22 Q And it did it after it wiggled, correct?

23 A Right.

24 MR. KIRTNER: No other questions.

25 THE COURT: Any other questions of this witness?

Richard Peele - Redirect

1 May the witness be excused?

2 MR. KIRTNER: Yes.

3 THE COURT: Sir, you may stand down or leave at this
4 time.

5 MR. KIRTNER: Your Honor, I appreciate your
6 indulgence and defense counsel's indulgence.

7 (Further proceedings were had but not transcribed at this
8 time.)

9 (Court recessed at 4:08 p.m.)

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11 CERTIFICATE

12 I, Judy K. Webb, certify that the foregoing is a
13 correct transcript from the record of proceedings in
14 the above-entitled matter.

15

16 /s/ Judy K. Webb

Date: 5/30/08

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